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JUDGMENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

PART C

CHAPTER IX

44409

FINDINGS ON COUNTS OF THE INDICTMENT

and

CHAPT X

VERDICTS

1 November 1948

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PART C

CHAPTER IX

FINDINGS ON COUNTS OF THE INDICTMENT

In Count I of the Indictment it is charged that all the defendants together with other persons participated in the formulation or execution of a common plan or conspiracy. The object of that common plan is alleged to have been that Japan should secure the military, naval, political and economic domination of East Asia and of the Pacific and Indian Oceans, and of all countries and islands therein or bordering thereon, and for that purpose should, alone or in combination with other countries having similar objects, wage a war or wars of aggression against any country or countries which might oppose that purpose.

There are undoubtedly declarations by some of those who are alleged to have participated in the conspiracy which coincide with the above grandiose statement, but in our opinion it has not been proved that these were ever more than declarations of the aspirations of individuals. Thus, for example, we do not think the conspirators ever seriously resolved to attempt to secure the domination of North and South America. So far as the wishes of the conspirators crystallised into a concrete common plan we are of opinion that the territory they had resolved that Japan should dominate was confined to East Asia, the Western and South Western Pacific Ocean and the Indian Ocean, and certain of the islands in these oceans. We shall accordingly treat Count I as if the charge had been limited to the above object.

We shall consider in the first place whether a conspiracy with the above object has been proved to have existed.

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Already prior to 1928 Okawa, one of the original defendants, who has been discharged from this trial on account of his present mental state, was publicly advocating that Japan should extend her territory on the Continent of Asia by the threat or, if necessary, by use of military force. He also advocated that Japan should seek to dominate Eastern Siberia and the South Sea Islands. He predicted that the course he advocated must result in a war between the East and the West, in which Japan would be the champion of the East. He was encouraged and aided in his advocacy of this plan by the Japanese General Staff. The object of this plan as stated was substantially the object of the conspiracy, as we have defined it. In our review of the facts we have noticed many subsequent declarations of the conspirators as to the object of the conspiracy. These do not vary in any material respect from this early declaration by Okawa.

Already when Tanaka was premier, from 1927 to 1929, a party of military men, with Okawa and other civilian supporters, was advocating this policy of Okawa's that Japan should expand by the use of force. The conspiracy was now in being. It remained in being until Japan's defeat in 1945. The immediate question when Tanaka was premier was whether Japan should attempt to expand her influence on the continent - beginning with Manchuria - by peaceful penetration, as Tanaka and the members of his Cabinet wished, or whether that expansion should be accomplished by the use of force if necessary, as the conspirators advocated. It was essential that the conspirators should have the support and control of the nation. This was the beginning of the long struggle between the conspirators, who advocated the

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attainment of their object by force, and those politicians and latterly those bureaucrats, who advocated Japan's expansion by peaceful measures or at least by a more discreet choice of the occasions on which force should be employed. This struggle culminated in the conspirators obtaining control of the organs of government of Japan and preparing and regimenting the nation's mind and material resources for wars of aggression designed to achieve the object of the conspiracy. In overcoming the opposition the conspirators employed methods which were entirely unconstitutional and at times wholly ruthless. Propaganda and persuasion won many to their side, but military action abroad without Cabinet sanction or in defiance of Cabinet veto, assassination of opposing leaders, plots to overthrow by force of arms Cabinets which refused to cooperate with them, and even a military revolt which seized the capital and attempted to overthrow the government were part of the tactics whereby the conspirators came ultimately to dominate the Japanese polity.

As and when they felt strong enough to overcome opposition at home and latterly when they had finally overcome all such opposition the conspirators carried out in succession the attacks necessary to effect their ultimate object, that Japan should dominate the Far East. In 1931 they launched a war of aggression against China and conquered Manchuria and Jehol. By 1934 they had commenced to infiltrate into North China, garrisoning the land and setting up puppet governments designed to serve their purposes. From 1937 onwards they continued their aggressive war against China on a vast scale, overrunning and occupying much of the country,

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setting up puppet governments on the above model, and exploiting China's economy and natural resources to feed the Japanese military and civilian needs.

In the meantime they had long been planning and preparing a war of aggression which they proposed to launch against the U.S.S.R. The intention was to seize that country's Eastern territories when a favourable opportunity occurred. They had also long recognized that their exploitation of East Asia and their designs on the islands in the Western and South Western Pacific would bring them into conflict with the United States of America, Britain, France and the Netherlands who would defend their threatened interests and territories. They planned and prepared for war against these countries also.

The conspirators brought about Japan's alliance with Germany and Italy, whose policies were as aggressive as their own, and whose support they desired both in the diplomatic and military fields, for their aggressive actions in China had drawn on Japan the condemnation of the League of Nations and left her friendless in the councils of the world.

Their proposed attack on the U.S.S.R. was postponed from time to time for various reasons, among which were (1) Japan's preoccupation with the war in China, which was absorbing unexpectedly large military resources, and (2) Germany's pact of non-aggression with the U.S.S.R. in 1939, which for the time freed the U.S.S.R. from threat of attack on her Western frontier, and might have allowed her to devote the bulk of her strength to the defence of her Eastern territories if Japan had attacked her.

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Then in the year 1940 came Germany's great military successes on the continent of Europe. For the time being Great Britain, France and the Netherlands were powerless to afford adequate protection to their interests and territories in the Far East. The military preparations of the United States were in the initial stages. It seemed to the conspirators that no such favourable opportunity could readily recur of realising that part of their objective which sought Japan's domination of South-West Asia and the islands in the Western and South Western Pacific and Indian Oceans. After prolonged negotiations with the United States of America, in which they refused to disgorge any substantial part of the fruits they had seized as the result of their war of aggression against China, on 7th December 1941 the conspirators launched a war of aggression against the United States and the British Commonwealth. They had already issued orders declaring that a state of war existed between Japan and the Netherlands as from 00.00 hours on 7th December 1941. They had previously secured a jumping-off place for their attacks on the Philippines, Malaya and the Netherlands East Indies by forcing their troops into French Indo-China under threat of military action if this facility was refused to them. Recognising the existence of a state of war and faced by the imminent threat of invasion of her Far Eastern territories, which the conspirators had long planned and were now about to execute, the Netherlands in self-defence declared war on Japan.

These far-reaching plans for waging wars of aggression, and the prolonged and intricate preparation for and waging of these wars of aggression were not the

work of one man. They were the work of many leaders acting in pursuance of a common plan for the achievement of a common object. That common object, that they should secure Japan's domination by preparing and waging wars of aggression, was a criminal object. Indeed no more grave crimes can be conceived of than a conspiracy to wage a war of aggression or the waging of a war of aggression, for the conspiracy threatens the security of the peoples of the world, and the waging disrupts it. The probable result of such a conspiracy, and the inevitable result of its execution is that death and suffering will be inflicted on countless human beings.

The Tribunal does not find it necessary to consider whether there was a conspiracy to wage wars in violation of the treaties, agreements and assurances specified in the particulars annexed to Count I. The conspiracy to wage wars of aggression was already criminal in the highest degree.

The Tribunal finds that the existence of the criminal conspiracy to wage wars of aggression as alleged in Count I, with the limitation as to object already mentioned, has been proved.

The question whether the defendants or any of them participated in that conspiracy will be considered when we deal with the individual cases.

The conspiracy existed for and its execution occupied a period of many years. Not all of the conspirators were parties to it at the beginning, and some of those who were parties to it had ceased to be active in its execution before the end. All of those who at any time were parties to the criminal conspiracy or who at any time with guilty knowledge played a part

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in its execution are guilty of the charge contained in Count I.

In view of our finding on Count I it is unnecessary to deal with Counts 2 and 3, which charge the formulation or execution of conspiracies with objects more limited than that which we have found proved under Count I, or with Count 4, which charges the same conspiracy as Count I but with more specification.

Count 5 charges a conspiracy wider in extent and with even more grandiose objects than that charged in Count I. We are of opinion that although some of the conspirators clearly desired the achievement of these grandiose objects nevertheless there is not sufficient evidence to justify a finding that the conspiracy charged in Count 5 has been proved.

For the reasons given in an earlier part of this judgment we consider it unnecessary to make any pronouncement on Counts 6 to 26 and 37 to 53. There remain therefore only Counts 27 to 36 and 54 and 55, in respect of which we now give our findings.

Counts 27 to 36 charge the crime of waging wars of aggression and wars in violation of international law, treaties, agreements and assurances against the countries named in those counts.

In the statement of facts just concluded we have found that wars of aggression were waged against all those countries with the exception of the Commonwealth of the Philippines (Count 30) and the Kingdom of Thailand (Count 34). With reference to the Philippines, as we have heretofore stated, that Commonwealth during the period of the war was not a completely

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sovereign State and so far as international relations were concerned it was a part of the United States of America. We further stated that it is beyond doubt that a war of aggression was waged in the Philippines, but for the sake of technical accuracy we consider the aggressive war in the Philippines as being a part of the war of aggression waged against the United States of America.

Count 28 charges the waging of a war of aggression against the Republic of China over a lesser period of time than that charged in Count 27. Since we hold that the fuller charge contained in Count 27 has been proved we shall make no pronouncement on Count 28.

Wars of aggression having been proved, it is unnecessary to consider whether they were also wars otherwise in violation of international law or in violation of treaties, agreements and assurances. The Tribunal finds therefore that it has been proved that wars of aggression were waged as alleged in Counts 27, 29, 31, 32, 33, 35 and 36.

Count 54 charges ordering, authorising and permitting the commission of Conventional War Crimes. Count 55 charges failure to take adequate steps to secure the observance and prevent breaches of conventions and laws of war in respect of prisoners of war and civilian internees. We find that there have been cases in which crimes under both these Counts have been proved.

Consequent upon the foregoing findings, we propose to consider the charges against individual defendants in respect only of the following Counts: Numbers 1, 27, 29, 31, 32, 33, 35, 36, 54 and 55.

GENERAL HEADQUARTERS
SUPRME COMMANDER FOR THE ALLIED POWERS
Civil Information and Education Section
and
Public Information Section

PRESS RELEASE:

FINAL
SUMMARY OF THE FINAL JUDGMENT
INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

SUMMARY NO. 23
(Covers pages 1136 to
1211 of the Judgment
text)

| | 1 | 27 | 29 | 31 | 32 | 33 | 35 | 36 | 54 | 55 |
|------------|---|----|----|----|----|----|----|----|----|----|
| ARAKI | G | G | x | x | x | x | x | x | x | x |
| DOHIHARA | G | G | G | G | G | x | G | G | G | o |
| HASHIMOTO | G | G | x | x | x | | | | x | x |
| HATA | G | G | G | G | G | | x | x | x | G |
| HIRANUMA | G | G | G | G | G | x | x | G | x | x |
| HIROTA | G | G | x | x | x | x | x | | x | G |
| HOSHINO | G | G | G | G | G | x | x | | x | x |
| ITAGAKI | G | G | G | G | G | x | G | G | G | o |
| KAYA | G | G | G | G | G | | | | x | x |
| KIDO | G | G | G | G | G | x | x | x | x | x |
| KIMURA | G | G | G | G | G | | | | G | G |
| KOISO | G | G | G | G | G | | | x | x | G |
| MATSUI | x | x | x | x | x | | x | x | x | G |
| MINAMI | G | G | x | x | x | | | | x | x |
| MUTO | G | G | G | G | G | x | | x | G | G |
| OKA | G | G | G | G | G | | | | x | x |
| OSHIMA | G | x | x | x | x | | | | x | x |
| SATO | G | G | G | G | G | | | | x | x |
| SHIGEMITSU | x | G | G | G | G | G | x | | x | G |
| SHIMADA | G | G | G | G | G | | | | x | x |
| SHIRATORI | G | x | x | x | x | | | | | |
| SUZUKI | G | G | G | G | G | | x | x | x | x |
| TOGO | G | G | G | G | G | | | x | x | x |
| TOJO | G | G | G | G | G | G | | x | G | o |
| UMEZU | G | G | G | G | G | | | x | x | x |

KEY:

blank: no indictment

G : guilty

x : not guilty

o : no finding

Count 1, the Conspiracy; Count 27, war against China; Count 29, war against the United States; Count 31, war against the British Commonwealth of Nations; Count 32, war against The Netherlands; Count 33, war against France; Count 35, war against USSR at Lake Khassan; Count 36, war against USSR at Nomonhan; Count 54, conventional war crimes (atrocities); Count 55, disregard of duty to secure observance of and prevent breaches of Laws of War.

END

JUDGMENT

INTERNATIONAL MILITARY TRIBUNAL FOR THE FAR EAST

PART C

CHAPTER X

VERDICTS

1 November 1948

Pages 1,145-1,211

PART C
CHAPTER X

VERDICTS

The Tribunal will now proceed to render its verdict in the case of each of the accused.

Article 17 of the Charter requires that the judgment shall give the reasons on which it is based. Those reasons are stated in the recital of facts and the statement of findings the reading of which has just been completed. Therein the Tribunal has examined minutely the activities of each of the accused concerned in relation to the matters in issue. Consequently, the Tribunal does not propose in the verdicts now to be read to repeat the many particular findings on which the verdicts are based. It will give its reasons in general terms for its findings in respect of each accused, such general reasons being based on the particular statements and findings in the recital already referred to.

ARAKI, Sadao

The defendant ARAKI, Sadao is charged under Count 1 with conspiracy to wage aggressive wars and wars in violation of international law, treaties, agreements and assurances. He is charged also under Counts 27, 29, 31, 32, 33, 35 and 36 with waging such wars. Under Counts 54 and 55 he is charged with responsibility for war crimes committed in China. At all material times he was a Military Officer of high rank. He became a Lieutenant-General in 1927 and a General in 1933. Throughout he was prominent in the hierarchy of the Army.

He was an energetic proponent of the Army policy of political domination at home and of military aggression abroad. He was in fact and was recognised as being one of the prominent leaders of that Army movement. As a member of different Cabinets he advanced the Army policy to prepare for wars of aggression by stimulating the warlike spirit of the young men of Japan, by mobilizing Japan's material resources for war and by speeches and by control of the press inciting and preparing the Japanese people for war. Both in and out of political office he helped to formulate and was a vigorous advocate of the policy of the military party to enrich Japan at the expense of her neighbours. He both approved and actively supported the policies undertaken by the Japanese Army in Manchuria and Jehol to separate that territory politically from China, to create a Japanese-controlled government and to place its economy under the domination of Japan. The Tribunal

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finds him to have been one of the leaders of the conspiracy set out in Count I and he is adjudged guilty under that Count.

ARAKI assumed office as Minister of War in December 1931 after the aggressive war against the Republic of China in Manchuria had commenced. He continued as Minister of War until January 1934. Throughout that period he took a prominent part in the development and the carrying out of the military and political policies pursued in Manchuria and Jehol. He gave all possible support to the successive military steps taken for the occupation of that portion of the territories of China. ARAKI from May 1938 until August 1939 was Minister of Education, in which capacity he approved and collaborated in military operations in other parts of China. We have found that the war in China was from 1931 onwards a war of aggression and we find that this defendant participated in the waging of that war. Accordingly we find him guilty under Count 27.

There is no evidence that he took any active part in the wars referred to in Counts 29, 31, 32, 33, 35 and 36, on all of which we find him not guilty. As to war crimes there is no evidence of his responsibility for such crimes and we find him not guilty under Counts 54 and 55.

DOHIHARA, Kenji

The defendant DOHIHARA, Kenji is charged under Counts 1, 27, 29, 31, 32, 33, 35, 36, 54 and 55.

At the commencement of the period under review DOHIHARA was a Colonel in the Japanese army and by April 1941 had attained the rank of General. Before the Manchurian Affair he had been in China for about eighteen years and had come to be regarded in the Army as a specialist on China. He was intimately involved in the initiation and development of the war of aggression waged against China in Manchuria and in the subsequent establishment of the Japanese-dominated state of Manchukuo. As the aggressive policy of the Japanese military party was pursued in other areas in China DOHIHARA took a prominent part in its development by political intrigue, by threat of force and by the use of force.

DOHIHARA acted in close association with other leaders of the military faction in the development, preparation and execution of their plans to bring East and South East Asia under Japanese domination.

When his special knowledge of China and his capacity for intrigue there were no longer required he was employed as a General Officer in the field in pursuit of the aims for which he had conspired. He took part in the waging of aggressive war not only against China but also against the U.S.S.R. and against those countries against whom also Japan waged aggressive war from 1941 until 1945 excepting the Republic of France.

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As to the wars waged against the U.S.S.R. in 1938 and 1939, DOHIHARA was a Lieutenant General on the General Staff which had overhead control of the Lake Khassan fighting. At Nomonhan elements of the Army he commanded took part in that fighting.

As to the waging of war against the Republic of France (Count 33) the decision to wage this war was made by the Supreme Council for the Direction of War in February 1945. The accused was not a party to that decision and the evidence does not establish that he took part in the waging of that war.

We find him to be guilty of conspiracy to wage aggressive war under Count I and of waging aggressive wars as charged under Counts 27, 29, 31, 32, 35 and 36. He is not guilty under Count 33.

DOHIHARA commanded the 7th Area Army from April 1944 until April 1945. This command included Malaya, Sumatra, Java and for a time Borneo. The evidence as to the extent of his responsibility for protecting prisoners of war within the area of his command from murder and torture is conflicting. At least he was responsible for their supplies of food and medicine. The evidence is clear that they were grossly ill-treated in respect of these supplies. Prisoners were starved and deaths from malnutrition and food deficiency diseases occurred at an appalling rate. These conditions applied only to prisoners of war and did not occur among their captors. It was urged in defence that the deterioration of Japan's war position in these areas and the severance of communications made it impossible to maintain better

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supplies for prisoners. The evidence shows that food and medicine was available which could have been used to relieve the terrible conditions of the prisoners. These supplies were withheld upon a policy for which DOHIHARA was responsible. Upon these findings of fact DOHIHARA's offence falls rather within Count 54 than Count 55. Accordingly he is found guilty under Count 54 and we make no finding under Count 55.

HASHIMOTO, Kingoro.

HASHIMOTO is indicted under Counts 1, 27, 29, 31, 32, 54 and 55.

He was an Army officer and early joined the conspiracy. He thereafter furthered the achievement of its objects by all the means in his power. None of the conspirators held more extreme views than he did; none was more outspoken in his statement of these views. In the beginning he advocated the expansion of Japan through the seizure of Manchuria by force of arms. As time went on he advocated the use of force against all Japan's neighbours for the accomplishment of the aims of the conspirators.

He was an ardent admirer of government by military dictatorship. He detested the political parties, which played some part in the government of Japan and opposed the schemes of conquest which the conspirators were determined to effect. He was a principal in many of the activities by which the conspirators came ultimately to suppress the opposition of the democratic elements in Japan and to control the government. Without this control their aggressive schemes could not have been accomplished. Thus, for example, he was one of the principals in the plots of March and October 1931 which were designed to overthrow the existing cabinets and to establish cabinets in their place which would support the conspirators. He was also a party to the plot of May 1932 of which the object and result was the assassination of Premier Inukai who had championed

democracy and opposed the policies of the conspirators. His publications and the activities of the societies he founded or supported were largely devoted to the destruction of democracy and the establishment of a form of government more favourable to the use of war for achieving the expansion of Japan.

He played some part in planning the occurrence of the Mukden Incident so as to give the Army a pretext for seizing Manchuria. He claimed some of the credit for the seizure of Manchuria and for Japan leaving the League of Nations.

After its early years it was mainly as a propagandist that he figured in the execution of the conspiracy. He was a prolific publicist and contributed to the success of the conspiracy by inciting the appetite of the Japanese people for the possessions of Japan's neighbours, by inflaming Japanese opinion for war to secure these possessions, by his advocacy of an alliance with Germany and Italy which were bent on similar schemes of expansion, by his denunciation of treaties by which Japan had bound herself to refrain from the schemes of aggrandisement which were the aims of the conspiracy, and by his fervent support of the agitation for a great increase in the armaments of Japan so that she might secure these aims by force or the threat of force.

He was a principal in the formation of the conspiracy and contributed largely to its execution.

As to Count 27, having first plotted the seizure of Manchuria by force of arms he thereafter played some part in the planning of the Mukden

Incident so that it might serve as a pretext for the seizure of Manchuria. Being thus fully apprised that the war against China was a war of aggression and being one of those who had conspired to bring about that war he did everything within his power to secure its success. For a time he was, in fact, a military commander in the field. He thereby waged a war of aggression against China as charged in Count 27.

There is no evidence directly connecting HASHIMOTO with any of the crimes charged in Counts 29, 31, 32, 54 or 55. The Tribunal finds him not guilty on these Counts.

The Tribunal finds HASHIMOTO guilty on Counts 1 and 27.

HATA, Shunroko

HATA is charged under Counts 1, 27, 29, 31, 32, 35, 36, 54, and 55.

On the formation of the Abe Cabinet in August 1939 HATA assumed the post of War Minister which he held continuously until July 1940 when the Yonai Cabinet fell. Though holding Cabinet rank for less than one year HATA contributed substantially to the formulation and execution of the aggressive plans. As War Minister he exerted considerable influence on Government policy. The war in China was waged with renewed vigor; the Wang Ching Wei Government was established at Nanking; the plans for control of French Indo-China were developed and the negotiations with the Netherlands in relation to matters concerning the Netherlands East Indies were conducted.

HATA favored Japanese domination of East Asia and the areas to the South. To achieve this object he, for example, approved the abolition of political parties to be replaced by the Imperial Rule Assistance Association, and in collaboration with and after consulting other high military authorities he precipitated the fall of the Yonai Cabinet, thereby making way for the full alliance with Germany and the establishment of a virtual totalitarian state in Japan.

Thereafter from March 1941 as Commander-in-Chief of the expeditionary forces in China he continued to wage war in that country until November 1944.

He continued to wage war against China and the Western Powers as Inspector General of Military Education, one of the highest active military posts in the Japanese Army.

When the Lake Khassan hostilities occurred HATA was in Central China and at the time of the Nomonhan Incident he was Aide-de-Camp to the Emperor, becoming War Minister a little more than a week before the conclusion of that Incident. The Tribunal is of the opinion that HATA did not participate in the waging of either of these wars.

War Crimes

In 1938 and again from 1941 to 1944 when HATA was in command of expeditionary forces in China, atrocities were committed on a large scale by the troops under his command and were spread over a long period of time. Either HATA knew of these things and took no steps to prevent their occurrence, or he was indifferent and made no provision for learning whether orders for the humane treatment of prisoners of war and civilians were obeyed. In either case he was in breach of his duty as charged under Count 55.

The Tribunal finds HATA guilty under Counts 1, 27, 29, 31, 32, and 55. He is not guilty under Counts 35, 36 and 54.

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HIRANUMA, Kiichiro

HIRANUMA is indicted under Counts 1, 27, 29, 31, 32, 33, 35, 36, 54 and 55. He became a member of the conspiracy if not at the beginning, shortly afterwards. He was a member and from 1936 President of the Privy Council until 1939, when he became Prime Minister; later he served in succession as Minister Without Portfolio and Home Minister in the second and third Konoye Cabinets.

During the period when he was a member of the Privy Council he supported the various measures coming before that body which involved the carrying out of the aggressive plans of the militarists. As Prime Minister and as Minister he continued to support these plans.

From 17 October 1941 until 19 April 1945, the accused was one of the Senior Statesmen. At the meeting of Senior Statesmen held on 29 November 1941 to advise the Emperor on the question of peace or war with the Western Powers, the accused accepted the opinion that war was inevitable and advised the strengthening of public opinion against the possibility of a long war.

At the meeting of the Senior Statesmen held on 5 April 1945 the accused strongly opposed any overtures for peace and advocated that Japan should fight to the end.

At all times covered by the Indictment HIRANUMA was not only a supporter of the policy of the domination of Japan in East Asia and the South Seas by force when necessary, but he was one of the leaders of the conspiracy and an active participant in furthering its policy. In carrying out that policy he waged war against China, the United States of America, the British Commonwealth of Nations, the Netherlands, and in 1939 against the U.S.S.R.

The Tribunal finds the accused HIRANUMA guilty on Counts 1, 27, 29, 31, 32 and 36.

There is no evidence directly connecting him with the crimes charged in Counts 33, 35, 54 and 55. We, therefore, find him not guilty on these counts.

HIROTA, Koki

HIROTA is indicted under Counts 1, 27, 29, 31, 32, 33, 35, 54, and 55.

HIROTA was Foreign Minister from 1933 until March 1936 when he became Prime Minister. From the fall of his Cabinet in February 1937 for four months he held no public office. He was Foreign Minister again in the First Konoye Cabinet until May 1938. From that time forward his relation with public affairs was limited to attending meetings of the Senior Statesmen (Jushin) from time to time to advise on the appointment of Prime Ministers and on other important questions submitted.

From 1933 to 1938, when HIROTA held these high offices, the Japanese gains in Manchuria were being consolidated and turned to the advantage of Japan and the political and economic life of North China was being "guided" in order to separate it from the rest of China in preparation for the domination by Japan of the Chinese political and economic life. In 1936 his cabinet formulated and adopted the national policy of expansion in East Asia and the Southern Areas. This policy of far-reaching effect was eventually to lead to the war between Japan and the Western Powers in 1941. Also in 1936 the Japanese aggressive policy with regard to the U.S.S.R. was reiterated and advanced, culminating in the Anti-Comintern Pact.

From the 7th of July 1937 when the war in China was revived, throughout HIROTA's tenure of office, the military operations in China received the full support of the Cabinet. Early in 1938, also, the real policy towards China was clarified and every effort made to subjugate China and abolish the Chinese National Government and to replace it with a

government dominated by Japan.

In early 1938 the plan and legislation for mobilization of man power, industrial potential, and natural resources was adopted. This plan with little change in essentials was the basis on which the preparations to continue the China War and for waging further aggressive wars were carried out during the succeeding years. All these plans and activities were fully known to and supported by HIROTA.

Thus during his tenure of office HIROTA, apparently a very able man and a forceful leader, was at times the originator and at other times a supporter of the aggressive plans adopted and executed by the military and the various Cabinets.

On his behalf Counsel in final argument urged the Tribunal to consider HIROTA's consistent advocacy of peace and peaceful or diplomatic negotiation of disputed questions. It is true that HIROTA, faithful to his diplomatic training, consistently advocated attempting firstly to settle disputes through diplomatic channels. However, it is abundantly clear that in so doing he was never willing to sacrifice any of the gains or expected gains made or expected to be made at the expense of Japan's neighbours and he consistently agreed to the use of force if diplomatic negotiations failed to obtain fulfilment of the Japanese demands. The Tribunal therefore cannot accept as exculpating this accused the defense offered on this point.

The Tribunal consequently finds that at least from 1933 HIROTA participated in the common plan or conspiracy to wage aggressive wars. As Foreign Minister he also participated in the waging of war

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against China.

As to Counts 29, 31 and 32 HIROTA's attitude and advice as one of the Senior Statesmen in 1941 is quite consistent with his being opposed to the opening of hostilities against the Western Powers. He held no public office after 1938 and played no part in the direction of the wars referred to in these Counts. The Tribunal holds that the evidence offered does not establish his guilt on these Counts.

As to Counts 33 and 35, there is no proof of HIROTA's participation in or support of the military operations at Lake Khassan, or in French Indo-China in 1945.

With regard to War Crimes there is no evidence of HIROTA's having ordered, authorized, or permitted the commission of the crimes as alleged in Count 54.

As to Count 55 the only evidence relating him to such crimes deals with the atrocities at Nanking in December 1937 and January and February 1938. As Foreign Minister he received reports of these atrocities immediately after the entry of the Japanese forces into Nanking. According to the Defence evidence credence was given to these reports and the matter was taken up with the War Ministry. Assurances were accepted from the War Ministry that the atrocities would be stopped. After these assurances had been given reports of atrocities continued to come in for at least a month. The Tribunal is of opinion that HIROTA was derelict in his duty in not insisting before the Cabinet that immediate action be taken to put an end to the atrocities, failing any other action open to him to bring about the same result. He was content to rely on assurances which he knew were not being imple-

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mented while hundreds of murders, violations of women, and other atrocities were being committed daily. His inaction amounted to criminal negligence.

The Tribunal finds HIROTA guilty under Counts 1, 27 and 55. He is not guilty under Counts 29, 31, 32, 33, 35, and 54.

HOSHINO, Naoki

HOSHINO is charged under Counts 1, 27, 29, 31, 32, 33, 35, 54 and 55.

Until the accused HOSHINO went to Manchuria in 1932 he was employed in the Japanese Department of Finance. He was sent to Manchuria by his Government to become a Senior Official of the Manchukuo Finance Ministry and of the Manchukuo General Affairs Bureau. By 1936 he had become Vice Chief of the Finance Ministry of Manchukuo and Chief of the General Affairs Section of the National Affairs Board of Manchukuo. In these positions he was able to exercise a profound influence upon the economy of Manchukuo and did exert that influence towards Japanese domination of the commercial and industrial development of that country. He operated in close co-operation with the Commander of the Kwantung Army, the virtual ruler of Manchukuo. In effect, if not in name, he was a functionary of that Army whose economic policy was directed to making the resources of Manchukuo serve the warlike purposes of Japan.

Although he was nominally a servant of the Government of Manchukuo and had been so for eight years he was recalled to Japan in 1940 to become a Minister without Portfolio and President of the Planning Board. In this position he was the leader in the special steps then being taken to equip Japan for the continuation of the aggressive war then being waged in China and for wars of

aggression then contemplated against other countries with possessions in East Asia.

From April 1941, when he left the Cabinet, his official functions in connection with warlike preparations were reduced but not entirely abandoned.

Upon the accession of the accused TOJO as Prime Minister in October 1941 HOSHINO became the Chief Secretary of the Cabinet and soon after a Councillor of the Planning Board. From this time he was in close association with all the preparations for the aggressive war already determined upon and now shortly to be waged against those countries attacked by Japan in December 1941.

Throughout all the period from 1932 to 1941 he was an energetic member of the conspiracy alleged in Count 1 of the Indictment and is accordingly adjudged guilty under that Count.

Not only did he conspire to wage aggressive war but in his successive official positions he took a direct part in the waging of aggressive wars as set out in Counts 27, 29, 31 and 32, under all of which also he is adjudged guilty.

He has not been proved to have participated in the wars charged in Counts 33 and 35 and of those is found not guilty.

There is no evidence connecting him with the crimes charged in Counts 54 and 55 and of those also he is found not guilty.

* * *

ITAGAKI, Seishiro

The accused is charged under Counts 1, 27, 29, 31, 32, 33, 35, 36, 54 and 55.

By the year 1931 ITAGAKI, then a Colonel on the Staff of the Kwantung Army, had joined the conspiracy the immediate object of which then was that Japan should seize Manchuria by force of arms. He fanned the agitation in support of this aim: he helped to engineer the so-called "Mukden Incident" as a pretext for military action: he suppressed several attempts to prevent that military action: he authorized and directed that military action.

He next played a principal part in the intrigues which fostered the sham movement for the independence of Manchuria and which resulted in the establishment of the puppet state of Manchukuo.

He became Vice-Chief of Staff of the Kwantung Army in December 1934 and thereafter was active in setting-up puppet regimes in Inner Mongolia and North China. He wished to extend Japan's military occupation into Outer Mongolia to serve as a threat to the territories of the U.S.S.R. He was one of the coiners of the phrase "Anti-Communism" to serve as a pretext for Japanese aggression in North China.

When fighting broke out at Marco Polo Bridge in July 1937 he was sent from Japan to China where he took part in the fighting as a

Divisional Commander. He favoured the expansion of the area of aggression there.

He became Minister of War in the Konoye Cabinet in May 1938. Under him the attacks on China were intensified and extended. He was a party to the important ministerial conferences which decided to attempt to destroy the National Government of China and to set up a puppet regime in its stead. He then was largely responsible for the preliminary arrangements which resulted in the setting-up of the puppet regime of Wang Ching-wei. He took part in the arrangements for the exploitation of the occupied areas of China for the benefit of Japan.

As Minister of War in the HIRANUMA Cabinet he was again responsible for the prosecution of the war against China, and for the expansion of Japan's armaments. In the Cabinet he was a strong advocate of an unrestricted military alliance among Japan, Germany and Italy.

As War Minister he tried by a trick to obtain the consent of the Emperor to the use of force against the U.S.S.R. at Lake Khassan. Subsequently at a Five Ministers Conference he obtained authority to use such force. He was still War Minister during the fighting at Nomonhan.

He was a strong supporter of the declaration of Japan's so-called "New Order" in East Asia and the South Seas. He recognised that the attempt to set up the New Order must lead to war with the U.S.S.R., France and Great Britain who would defend their possessions in these areas.

From September 1939 to July 1941 he carried on the war against China as Chief of Staff of the China Expeditionary Army.

From July 1941 to April 1945 he was Commander-in-Chief of the Army in Korea.

From April 1945 to the date of the Surrender he commanded the 7th Area Army with Headquarters in Singapore. His subordinate armies defended Java, Sumatra, Malaya, the Andaman and Nicobar Islands, and Borneo.

Having conspired to wage wars of aggression against China, the United States of America, the British Commonwealth, the Netherlands, and the U.S.S.R., he took an active and important part in waging these wars which he knew were wars of aggression.

The Tribunal finds ITAGAKI guilty on Counts 1, 27, 29, 31, 32, 35 and 36. He is not guilty under Count 33.

War Crimes

The area which ITAGAKI commanded from April 1945 to the Surrender included Java, Sumatra, Malay, the Andaman and Nicobar Islands, and Borneo. Many thousands of prisoners of war and internees were held in camps in these areas during the above period.

According to the evidence which he adduced these camps, save those in Singapore, were not under his direct command but he was responsible for the supply of food, medicines and hospital facilities to them.

During this period the conditions in

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these camps were unspeakably bad. The supply of food, medicines and hospital facilities was grossly inadequate. Deficiency diseases were rampant and as a result many persons died every day. Those who survived to the date of the Surrender were in a pitiable condition. When the camps were visited after the Surrender no such conditions prevailed among the guards.

ITAGAKI's excuse for this atrocious treatment of the prisoners and internees is that the attacks of the Allies on Japanese shipping had made the transportation of supplies to these areas very difficult and that he did the best he could with the supplies he had. After the Surrender, however, supplies of food and medicine were made available by ITAGAKI's Army to the camps in Singapore, Borneo, Java and Sumatra. The explanation tendered in evidence and argument for ITAGAKI is that the Japanese were expecting a long war and were conserving supplies. This amounts to a contention that ITAGAKI was justified under the prevailing circumstances in treating the prisoners and internees with gross inhumanity. The Tribunal has no hesitation in rejecting the defense. If ITAGAKI, being responsible for supplies to many thousands of prisoners and internees, found himself unable to maintain them for the future, his duty under the Laws of War was to distribute such supplies as he had and meantime to inform his superiors that arrangements must be made, if necessary with the Allies, for the support of the

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prisoners and internees in the future. By the policy which he adopted he is responsible for the deaths or sufferings of thousands of people whose adequate maintenance was his duty.

The Tribunal finds ITAGAKI guilty on Count 54. As in the case of DOHIHARA, the Tribunal makes no finding on Count 55.

KAYA, Okinori

The accused KAYA is charged under Counts 1, 27, 29, 31, 32, 54 and 55.

KAYA was a civilian.

In 1936 he was appointed a Councillor of the Manchurian Affairs Bureau and in February 1937 he became Vice Minister of Finance. In June 1937 he was appointed Finance Minister in the first Konoye Cabinet, which position he held until May 1938. In July 1938 he became Adviser to the Finance Ministry. In July 1939 he was appointed a member of the Asia Development Committee, and in August of that year President of the North China Development Company, in which position he remained until October 1941, when he became Finance Minister in the TOJO Cabinet. He resigned as Finance Minister in February 1944, but again became Adviser to the Finance Ministry.

In these positions he took part in the formulation of the aggressive policies of Japan and in the financial, economic and industrial preparation of Japan for the execution of those policies.

Throughout this period, particularly as Finance Minister in the first Konoye and TOJO Cabinets, and as President of the North China Development Company, he was actively engaged in the preparation for and the carrying out of aggressive wars in China and against the Western Powers. He was an active member of the conspiracy alleged in Count 1 and is adjudged guilty under that Count.

In the various positions held by him KAYA took

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a principal part in the waging of aggressive wars as alleged in Counts 27, 29, 31 and 32 of the Indictment. He is, therefore, adjudged guilty under those Counts.

The evidence does not disclose KAYA's responsibility for war crimes and accordingly he is found not guilty under Counts 54 and 55.

KIDO, Koichi

The accused KIDO, Koichi is charged under Counts 1, 27, 29, 31, 32, 33, 35, 36, 54 and 55.

From 1930 until 1936 KIDO was a member of the Emperor's household in the position of Chief Secretary to the Lord Keeper of the Privy Seal. During this period he was aware of the true nature of the military and political ventures in Manchuria. At this time, however, he was not associated with the conspiracy which had been instituted by the military and their supporters.

In 1937 KIDO joined the first Konoye Cabinet as Education Minister and for a period was Welfare Minister. On the accession of HIRANUMA as Prime Minister in 1939 KIDO continued as a member of the Cabinet until August 1939 with the portfolio of Home Affairs. In this period from 1937 to 1939 KIDO adopted the views of the conspirators and devoted himself wholeheartedly to their policy. The war in China had entered into its second phase. KIDO was zealous in the pursuit of that war, even resisting the efforts of the General Staff to shorten the war by making terms with China. He was intent on the complete military and political domination of China.

Not only did KIDO thus support the plans of the conspirators in China but as Education Minister he applied himself to the development of a strong war-like spirit in Japan.

Between August 1939 and June 1940 when he became Lord Keeper of the Privy Seal, KIDO was active with Konoye in the development of a scheme to replace the existing political parties by a single party of which Konoye was to be President and KIDO Vice President.

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This one party system was expected to give Japan a totalitarian system and thus remove **political** resistance to the plans of the conspirators.

As Lord Keeper of the Privy Seal KIDO was in a specially advantageous position to advance the conspiracy. His principal duty was to advise the Emperor. He kept in close touch with political events and was on terms of intimate political and personal relationship with those most concerned. His position was one of great influence. He used that influence, not only with the Emperor but also by political intrigue so as to further the aims of the conspiracy. He shared those aims which involved the domination of China and the whole of East Asia as well as the areas to the South.

As the time approached for the commencement of war against the Western Powers KIDO displayed some degree of hesitation because doubts of complete success were entertained within the Navy. Even in this state of timidity KIDO was determined to pursue the aggressive war against China and lent himself, although now with less confidence, to the projected war against Great Britain and the Netherlands and in case of need against the United States of America. When the doubts of the Navy had been overcome KIDO's doubts seem also to have been removed. He resumed his pursuit of the full purposes of the conspiracy. He was largely instrumental in securing the office of Prime Minister for TOJO who until now had been a determined advocate of immediate war with the Western Powers. In other ways he used his position in support of such a war or purposely refrained from action which might have prevented it. He refrained from advising the Emperor to take any stand.

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against war either at the last or earlier when it might have been more effective.

The Prosecution has tendered no evidence pointing to guilt in KIDO for the wars referred to in Counts 33, 35 and 36.

As to war crimes KIDO was a member of the Cabinet when the atrocities were committed at Nanking. The evidence is not sufficient to attach him with responsibility for failure to prevent them. During the war against the Western Powers in 1941 and thereafter KIDO's position was such that he cannot be held responsible for the atrocities committed.

KIDO is found guilty of the charges in Counts 1, 27, 29, 31 and 32, and not guilty under Counts 33, 35, 36, 54 and 55.

KIMURA, Heitaro

KIMURA is indicted under Counts 1, 27, 29, 31, 32, 54 and 55.

KIMURA, an army officer, during the greater part of the period under consideration was engaged in administrative work in the War Ministry, culminating in his becoming Vice Minister of War in April 1941. Later he was appointed Councillor of the Planning Board and Councillor of the Total War Research Institute. In March 1943 he was relieved of the post of Vice War Minister and in August 1944 he became Commander-in-Chief of the Burma Area Army which post he held until the surrender of Japan in 1945.

During his service as Vice War Minister in almost daily contact with the War Minister and other Ministers, Vice Ministers, and Bureau Chiefs he was in a position to learn and was kept fully informed of all government decisions and action during the crucial negotiations with the U.S.A. He had full knowledge of the plans and preparations for the Pacific War and the hostilities in China. Throughout, he collaborated and cooperated with the War Minister and the other Ministries from time to time giving advice based on his wide experience, wholeheartedly supporting the aggressive plans.

Though not a leader, he took part in the formulation and development of policies which were either initiated by himself or proposed by the General Staff or other bodies and approved and supported by him. In this way he was a valuable collaborator or accomplice in the conspiracy to wage aggressive wars.

Concurrently with his activities as one of the conspirators as Commander of a division in 1939 and 1940,

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then as Chief of Staff of the Kwantung Army and later as Vice War Minister he played a prominent part in the conduct of the war in China and in the Pacific War. Possessed with full knowledge of the illegality of the Pacific War, in August 1944 he took command of the Burma Area Army and so continued until the Surrender.

In a positive way he was a party to breaches of the Rules of War in that he approved the employment of prisoners in many instances in work prohibited by the Rules and in work under conditions resulting in the greatest hardship and the deaths of thousands of prisoners. An example of the latter case is the employment of prisoners in the construction of the Burma-Siam Railway, the orders for which were approved and passed on by KIMURA.

Furthermore with knowledge of the extent of the atrocities committed by Japanese troops in all theaters of war, in August 1944 KIMURA took over command of the Burma Area Army. From the date of his arrival at his Rangoon Headquarters and later when his headquarters was moved to Moulmein the atrocities continued to be committed on an undiminished scale. He took no disciplinary measures or other steps to prevent the commission of atrocities by the troops under his command.

It has been urged in KIMURA's defence that when he arrived in Burma he issued orders to his troops to conduct themselves in a proper soldierly manner and to refrain from ill-treating prisoners. In view of the nature and extent of the ill-treatment of prisoners, in many cases on a large scale within a few miles of his headquarters, the Tribunal finds that KIMURA was

negligent in his duty to enforce the rules of war. The duty of an army commander in such circumstances is not discharged by the mere issue of routine orders, if indeed such orders were issued. His duty is to take such steps and issue such orders as will prevent thereafter the commission of war crimes and to satisfy himself that such orders are being carried out. This he did not do. Thus he deliberately disregarded his legal duty to take adequate steps to prevent breaches of the laws of war.

The Tribunal finds KIMURA guilty under Counts 1, 27, 29, 31, 32, 54 and 55.

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KOISO, Kuniaki

KOISO is charged under Counts 1, 27, 29, 31, 32, 36, 54, and 55.

He joined the conspiracy in 1931 by participating as one of the leaders of the March Incident the purpose of which was to overthrow the Hamaguchi Government and put in office a government favourable to the occupation of Manchuria. Thereafter he played a leading role in the development of the Japanese plans for expansion from August 1932 when he was appointed Chief-of-Staff of the Kwantung Army.

As Chief-of-Staff of the Kwantung Army from August 1932 to March 1934 he prepared or concurred in proposals and plans submitted to the Government through the War Ministry for the political and economic organization of Manchukuo according to the policy of the conspirators as adopted by the Japanese Government. It is urged in his defence that in forwarding proposals and plans to Tokyo he did so merely as Chief-of-Staff and that such action did not import his personal approval. In view of his knowledge of the aggressive plans of Japan the Tribunal cannot accept this plea. He went beyond the scope of the normal duties of a Chief-of-Staff in advising on political and economic matters to further these plans.

While he was Chief-of-Staff there also occurred the military invasion of Jehol and renewed fighting in Manchuria.

Later as Overseas Minister in the Hiranuma and Yonai Cabinets KOISO supported and took part in the direction of the war in China, the beginning of the

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occupation of French Indo-China and the negotiations intended to obtain concessions from and eventual economic domination of the Netherlands East Indies.

During the same period he advocated the plan for Japan to advance "in all directions".

In July 1944 KOISO was recalled from his post of Governor of Korea to become Prime Minister. In that capacity he urged and directed the waging of the war against the Western Powers. He retired as Prime Minister to make way for the Suzuki Cabinet in April 1945 when it became clear that the war was lost for Japan.

There is no evidence that he played any part in the hostilities at Nomonhan either by organizing or directing them.

War Crimes

When KOISO became Prime Minister in 1944 atrocities and other war crimes being committed by the Japanese troops in every theater of war had become so notorious that it is improbable that a man in KOISO's position would not have been well-informed either by reason of their notoriety or from inter-departmental communications. The matter is put beyond doubt by the fact that in October 1944 the Foreign Minister reported to a meeting of the Supreme Council for the Direction of War, which KOISO attended, that according to recent information from enemy sources it was reported that the Japanese treatment of prisoners of war "left much to be desired". He further stated that this was a matter of importance from the point of view of Japan's international reputation and future relations. He asked that directions be issued to the competent authorities so that the matters might be fully discussed. Thereafter KOISO remained

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Prime Minister for six months during which the Japanese treatment of prisoners and internees showed no improvement whatever. This amounted to a deliberate disregard of his duty.

The Tribunal finds KOISO guilty under Counts 1, 27, 29, 31, 32 and 55. He is not guilty under Counts 36 and 54.

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MATSUI, Iwane

The accused MATSUI is charged under Counts 1, 27, 29, 31, 32, 35, 36, 54 and 55.

MATSUI was a senior Officer in the Japanese Army and attained the rank of General in 1933. He had a wide experience in the Army, including service in the Kwantung Army and in the General Staff. Although his close association with those who conceived and carried out the conspiracy suggests that he must have been aware of the purposes and policies of the conspirators, the evidence before the Tribunal does not justify a finding that he was a conspirator.

His military service in China in 1937 and 1938 cannot be regarded, of itself, as the waging of an aggressive war. To justify a conviction under Count 27 it was the duty of the prosecution to tender evidence which would justify an inference that he had knowledge of the criminal character of that war. This has not been done.

In 1935 MATSUI was placed on the retired list but in 1937 he was recalled to active duty to command the Shanghai Expeditionary Force. He was then appointed Commander-in-Chief of the Central China Area Army, which included the Shanghai Expeditionary Force and the Tenth Army. With these troops he captured the city of Nanking on 13th December 1937.

Before the fall of Nanking the Chinese forces withdrew and the occupation was of a defenceless city. Then followed a long succession of most horrible atrocities committed by the Japanese Army upon the helpless citizens. Wholesale massacres, individual murders,

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rape, looting and arson were committed by Japanese soldiers. Although the extent of the atrocities was denied by Japanese witnesses the contrary evidence of neutral witnesses of different nationalities and undoubted responsibility is overwhelming. This orgy of crime started with the capture of the City on the 13th December 1937 and did not cease until early in February 1938. In this period of six or seven weeks thousands of women were raped, upwards of 100,000 people were killed and untold property was stolen and burned. At the height of these dreadful happenings, on 17th December, MATSUI made a triumphal entry into the City and remained there from five to seven days. From his own observations and from the reports of his staff he must have been aware of what was happening. He admits he was told of some degree of misbehaviour of his Army by the Kempeitai and by Consular Officials. Daily reports of these atrocities were made to Japanese diplomatic representatives in Nanking who in turn reported them to Tokyo. The Tribunal is satisfied that MATSUI knew what was happening. He did nothing, or nothing effective to abate these horrors. He did issue orders before the capture of the City enjoining propriety of conduct upon his troops and later he issued further orders to the same purport. These orders were of no effect as is now known and as he must have known. It was pleaded in his behalf that at this time he was ill. His illness was not sufficient to prevent his conducting the military operations of his command nor to prevent his visiting the City for days while these atrocities were occurring. He was in command of the Army responsible for these happenings. He knew of them. He had the power as he had the duty to control

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his troops and to protect the unfortunate citizens of Nanking. He must be held criminally responsible for his failure to discharge this duty.

The Tribunal holds the accused MATSUI guilty under Count 55 and not guilty under Counts 1, 27, 29, 31, 32, 35, 36 and 54.

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MINAMI, Jiro

MINAMI is charged under Counts 1, 27, 29, 31, 32, 54 and 55.

In the year 1931 MINAMI was a General and from April to December he was Minister of War. Prior to the Mukden Incident he had already associated himself with the conspirators in their advocacy of militarism, of the expansion of Japan, and of Manchuria as "the lifeline of Japan". He was forewarned of the likelihood of the incident occurring. He was ordered to prevent it. He took no adequate steps to prevent it. When the incident happened he described the action of the Army as "righteous self-defence". The Cabinet at once decided that the incident must not be expanded and MINAMI agreed to put the policy of the Cabinet into effect, but day after day the area of the operations expanded and MINAMI took no adequate steps to restrain the Army. In the Cabinet he supported the steps taken by the Army. He early advocated Japan's withdrawal from the League of Nations, if that body should oppose the actions Japan had taken in China. The Cabinet decided that there should be no occupation of Manchuria and no military administration. MINAMI knew that the Army was taking steps to carry both those measures into effect but did nothing to stop it. His failure to support the Premier and Foreign Minister by taking steps to control the Army led to the downfall of the Cabinet. Thereafter he advocated that Japan should take over the defence of Manchuria and Mongolia. He had already advocated that a new state must be founded in Manchuria.

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From December 1934 to March 1936 he was Commander-in-Chief of the Kwantung Army, completed the conquest of Manchuria, and aided in the exploitation of that part of China for the benefit of Japan. He was responsible for setting-up puppet governments in North China and Inner Mongolia under the threat of military action.

He was in part responsible for the development of Manchuria as a base for an attack on the U.S.S.R. and for plans for such an attack.

He became Governor-General of Korea in 1936 and in 1938 supported the prosecution of the war against China, which he called "the Holy War", and the destruction of the National Government of China.

The Tribunal finds MINAMI guilty on Counts 1 and 27. He is not guilty of the charges contained in Counts 29, 31, 32, 54, and 55.

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MUTO, Akira

The accused is indicted under Counts 1, 27, 29, 31, 32, 33, 36, 54 and 55.

He was a soldier and prior to holding the important post of Chief of the Military Affairs Bureau of the Ministry of War he held no appointment which involved the making of high policy. Further, there is no evidence that in this earlier period he, alone or with others, tried to affect the making of high policy.

When he became Chief of the Military Affairs Bureau he joined the conspiracy. Concurrently with this post he held a multiplicity of other posts from September 1939 to April 1942. During this period planning, preparing and waging wars of aggression on the part of the conspirators was at its height. He played the part of a principal in all these activities.

When he became Chief of the Military Affairs Bureau the fighting at Nomonhan was over. He had no part in the waging of this war.

He was Chief-of-Staff in the Philippines when Japan attacked France in French Indo-China in March 1945. He had no part in the waging of this war.

The Tribunal finds MUTO guilty on Counts 1, 27, 29, 31 and 32. He is not guilty on Counts 33 and 36.

War Crimes

MUTO was an officer on the Staff of MATSUI from November 1937 to July 1938. It was during this period that shocking atrocities were committed by the Army of MATSUI in and about Nanking. We have no doubt that MUTO knew, as MATSUI knew, that these atrocities were being committed over a period of many weeks. His superior took no adequate steps to stop them. In our opinion

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MUTO, in his subordinate position, could take no steps to stop them. MUTO is not responsible for this dreadful affair.

From April 1942 to October 1944 MUTO commanded the Second Imperial Guards Division in Northern Sumatra. During this period in the area occupied by his troops widespread atrocities were committed for which MUTO shares responsibility. Prisoners of war and civilian internees were starved, neglected, tortured and murdered, and civilians were massacred.

In October 1944 MUTO became Chief-of-Staff to Yamashita in the Philippines. He held that post until the Surrender. His position was now very different from that which he held during the so-called "Rape of Nanking". He was now in a position to influence policy. During his tenure of office as such Chief-of-Staff a campaign of massacre, torture and other atrocities was waged by the Japanese troops on the civilian population, and prisoners of war and civilian internees were starved, tortured and murdered. MUTO shares responsibility for these gross breaches of the Laws of War. We reject his defence that he knew nothing of these occurrences. It is wholly incredible. The Tribunal finds MUTO guilty on Counts 54 and 55.

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OKA, Takasumi

OKA is charged in Counts 1, 27, 29, 31, 32, 54, and 55 of the Indictment.

OKA was an officer in the Japanese Navy. In October 1940 he was promoted to Rear Admiral and became Chief of the Naval Affairs Bureau of the Navy Ministry.

OKA was an active member of the conspiracy during his tenure of office as Chief of the Naval Affairs Bureau from October 1940 to July 1944. In this office he was an influential member of the Liaison Conference at which the policy of Japan was largely decided. He participated in the formation and execution of the policy to wage aggressive war against China and the Western Powers.

War Crimes

There is some evidence tending to show that OKA knew or ought to have known that war crimes were being committed by naval personnel against prisoners of war with whose welfare his department was concerned but it falls short of the standard of proof which justifies a conviction in criminal cases.

The Tribunal finds OKA not guilty on Counts 54 and 55, and guilty on Counts 1, 27, 29, 31 and 32.

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OSHIMA, Hiroshi

OSHIMA is indicted under Counts 1, 27, 29, 31, 32, 54 and 55.

OSHIMA, an Army officer, was engaged during the period under review in the diplomatic field. He was first Military Attache of the Japanese Embassy in Berlin, later being promoted to the post of Ambassador. Holding no diplomatic post for about one year from 1939 he returned to Berlin as Ambassador where he remained till the Surrender of Japan.

A believer in the success of the Hitler Regime, from his first appointment in Berlin OSHIMA exerted his full efforts to advance the plans of the Japanese military. At times, going over the head of the Ambassador, he dealt directly with Foreign Minister Ribbentrop, in an endeavour to involve Japan in a full military alliance with Germany. Upon his appointment as Ambassador he continued his efforts to force the acceptance by Japan of a treaty which would align Japan with Germany and Italy against the Western Powers and thus open the way for putting into execution the HIROTA policy. In furtherance of the aggressive policy of the Army faction he repeatedly pursued a policy in opposition to and in defiance of that of his Foreign Minister.

The Soviet-German Neutrality Pact temporarily blocked his schemes. He then returned to Tokyo and there supported the proponents of war by articles in newspapers and magazines and by closely cooperating with the German Ambassador.

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OSHIMA was one of the principal conspirators and consistently supported and promoted the aims of the main conspiracy.

He took no part in the direction of the war in China or the Pacific War and at no time held any post involving duties or responsibility in respect of prisoners.

OSHIMA's special defence is that in connection with his activities in Germany he is protected by diplomatic immunity and is exempt from prosecution. Diplomatic privilege does not import immunity from legal liability, but only exemption from trial by the Courts of the State to which an Ambassador is accredited. In any event this immunity has no relation to crimes against international law charged before a tribunal having jurisdiction. The Tribunal rejects this special defence.

The Tribunal finds OSHIMA guilty under Count 1. He is not guilty under Counts 27, 29, 31, 32, 54 and 55.

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SATO, Kenryo

The accused SATO, Kenryo, is charged under Counts 1, 27, 29, 31, 32, 54 and 55.

In 1937 SATO, then a member of the Military Affairs Bureau, was promoted to the rank of Lieutenant Colonel. In that year he was appointed an Investigator of the Planning Board. Thereafter in addition to his duties in the Military Affairs Bureau he had other duties, not only with the Planning Board, of which for a time he was Secretary, but also with other bodies in greater or less degree connected with Japan's war in China and its contemplated wars with other countries.

The Konoye Cabinet presented the General Mobilization Law to the Diet in February 1938. SATO was employed as an "explainer" and made a speech before the Diet in support of the measure.

In February 1941 SATO was appointed Chief of the Military Affairs Section of the Military Affairs Bureau. He was promoted to Major General in October 1941. In April 1942 he became Chief of the Military Affairs Bureau, a position of considerable importance in the Japanese Army. This position he held until 1944. Concurrently he held a variety of other appointments mostly concerned with other departments of state whose activities he linked with the Ministry of War.

It was thus not until 1941 that SATO attained a position which by itself enabled him to influence the making of policy, and no evidence has been adduced that prior to that date he had indulged in plotting to influence the making of policy. The crucial question is whether by that date he had become aware that Japan's

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designs were criminal, for thereafter he furthered the development and execution of these designs so far as he was able.

The matter is put beyond reasonable doubt by a speech which SATO delivered in August 1938. He states the Army point of view on the war in China. He shows complete familiarity with the detailed terms, never revealed to China, upon which Japan was prepared to settle the war against China. These on the face of them plainly involved the abolition of the legitimate government of China, recognition of the puppet state of Manchukuo whose resources had been by this time largely exploited for Japan's benefit, regimentation of the economy of China for Japan's benefit, and the stationing of Japanese troops in China to ensure that these illicit gains would not be lost. He states that North China would be put completely under Japan's control and its resources developed for national defence, i.e. to aid in Japan's military preparations. He predicts that Japan will go to war with the U.S.S.R., but says she will select a chance when her armaments and production have been expanded.

This speech shows that SATO did not believe that Japan's actions in China had been dictated by the wish to secure protection for Japan's legitimate interests in China as the Defence would have us believe. On the contrary he knew that the motive for her attacks on China was to seize the wealth of her neighbour. We are of opinion that SATO, having that guilty knowledge, was clearly a member of the conspiracy from 1941 onwards.

Thereafter in important posts in the Government and as an Army Commander he waged wars of aggression as charged in Counts 27, 29, 31, and 32.

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War Crimes

There is no doubt that SATO knew of the many protests against the behaviour of Japan's troops, for these protests came to his Bureau and they were discussed at the bi-weekly meetings of Bureau Chiefs in the War Ministry. TOJO presided at these meetings and he it was who decided that action or inaction should be taken in regard to the protests. SATO, his subordinate, could not initiate preventive action against the decision of his chief.

The Tribunal finds SATO guilty on Counts 1, 27, 29, 31, and 32. He is not guilty on Counts 54 and 55.

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SHIGEMITSU, Mamoru

The accused is charged under Counts 1, 27, 29, 31, 32, 33, 35, 54, and 55.

As to Count 1, his actions are challenged when he was Minister to China in 1931 and 1932; when he was Councillor of the Board of Manchurian Affairs; when he was Ambassador to the U.S.S.R. from 1936 to 1938; when he was Ambassador to Great Britain from 1938 to 1941; and when he was Ambassador to China during the years 1942 and 1943. There is no evidence that he played any part in the making of policy as Councillor of the Board of Manchurian Affairs. For the rest we find that SHIGEMITSU, as Minister and Ambassador, never exceeded the functions proper to these offices. During the years above mentioned he was not one of the conspirators. Indeed he repeatedly gave advice to the Foreign Office which was opposed to the policies of the conspirators.

By the year 1943, when he became Foreign Minister, the policy of the conspirators to wage certain wars of aggression had been settled and was in course of execution. Thereafter there was no further formulation nor development of that policy.

The Tribunal finds SHIGEMITSU not guilty on Count 1.

In 1943 his country was engaged in the war in the Pacific. He was fully aware that so far as Japan was concerned that war was a war of aggression, for he knew of the policies of the conspirators which had caused the war and indeed had often advised that they should not be put into effect. Nevertheless he now played a principal part in waging that war until he resigned on 13th April, 1945.

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The Tribunal finds SHIGEMITSU guilty on Counts 27, 29, 31, 32, and 33. He is not guilty on Count 35.

War Crimes

During the period from April 1943 to April 1945, when SHIGEMITSU was Foreign Minister, the Protecting Powers transmitted to the Japanese Foreign Office protest after protest which it had received from the Allies. These were grave protests forwarded to the Protecting Powers by responsible agencies of state and in many cases accompanied by a wealth of detail. The matters of protest were (1) inhumane treatment of prisoners, (2) refusal to permit the Protecting Powers to inspect all save a few prisoners' camps, (3) refusal to permit the representatives of the Protecting Powers to interview prisoners without the presence of a Japanese witness, and (4) failure to provide information as to the names and location of prisoners. The protests were dealt with in the Foreign Ministry in the first place. Where necessary they were passed to other ministries with requests for information to enable the Foreign Minister to reply to them.

One cannot read the long correspondence between the Japanese Foreign Office and the Protecting Powers without suspecting that there was a sinister reason for the failure of the Japanese military to supply their Foreign Office with satisfactory answers to these protests, or at the least that there was a case for an independent inquiry by an agency other than the military, whose conduct was in question. Protest after protest went unanswered or was only answered after months of unexplained delay. Reminder after reminder by the Protecting Powers went unnoticed. Those protests which were answered were

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met without exception by a denial that there was anything to complain of.

Now it was the highest degree unlikely that every one of the complaints made by responsible people and accompanied by circumstance and detail was completely unjustified. Moreover the refusal of the military to permit inspection of camps, their refusal to permit the representatives of the Protecting Powers to interview prisoners without the presence of a Japanese witness, and their failure to provide details of the prisoners in their hands gave rise to the suspicion that they had something to hide.

We do no injustice to SHIGEMITSU when we hold that the circumstances, as he knew them, made him suspicious that the treatment of the prisoners was not as it should have been. Indeed a witness gave evidence for him to that effect. Thereupon he took no adequate steps to have the matter investigated, although he, as a member of the government, bore overhead responsibility for the welfare of the prisoners. He should have pressed the matter, if necessary to the point of resigning, in order to quit himself of a responsibility which he suspected was not being discharged.

There is no evidence that SHIGEMITSU ordered, authorized, or permitted the commission of war crimes or crimes against humanity. The Tribunal finds SHIGEMITSU not guilty on Count 54..

The Tribunal finds SHIGEMITSU guilty on Count 55.

In mitigation of sentence we take into account that SHIGEMITSU was in no way involved in the formulation of the conspiracy; that he waged no war of aggression until he became Foreign Minister in April 1943, by which time

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his country was deeply involved in a war which would vitally affect its future; and in the matter of war crimes that the military completely controlled Japan while he was Foreign Minister so that it would have required great resolution for any Japanese to condemn them.

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SHIMADA, Shigetaro

The accused is charged under Counts 1, 27, 29, 31, 32, 54 and 55.

Until October 1941 SHIMADA played nothing but the role of a naval officer carrying out his duties as such and until that date had no part in the conspiracy.

In October 1941 he was a Senior Naval Officer eligible for the post of Navy Minister. He became Navy Minister in the TOJO Cabinet and held that office until August 1944. For a period of six months from February to August 1944 he was also Chief of the Navy General Staff.

From the formation of the TOJO Cabinet until the Western Powers were attacked by Japan on 7th December 1941 he took part in all the decisions made by the conspirators in planning and launching that attack. He gave as his reason for adopting this course of conduct that the freezing orders were strangling Japan and would gradually reduce her ability to fight; that there was economic and military "encirclement" of Japan; that the United States of America was unsympathetic and unyielding in the negotiations; and that the aid given by the Allies to China had raised bitter feeling in Japan. This defence leaves out of account the fact that the gains to retain which he was determined to fight were, to his knowledge, gains Japan had acquired in years of aggressive war. The Tribunal has already fully examined this defence and rejected it.

After war was declared he played a principal part in waging it.

The Tribunal finds SHIMADA guilty on Counts 1, 27, 29, 31 and 32.

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War Crimes

Some most disgraceful massacres and murders of prisoners were committed by members of the Japanese Navy in the islands of the Pacific Ocean and on the survivors of torpedoed ships. Those immediately responsible ranged in rank from Admirals downwards.

The evidence, however, is insufficient to justify a finding that SHIMADA is responsible for these matters, that he ordered, authorized or permitted the commission of war crimes, or that he knew they were being committed and failed to take adequate steps to prevent their commission in the future.

The Tribunal finds SHIMADA not guilty on Counts 54 and 55.

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SHIRATORI, Toshio

The accused is indicted under Counts 1, 27, 29, 31, and 32.

He entered the Japanese diplomatic service in 1914. He first comes into prominence as Chief of the Information Bureau of the Foreign Office, which post he held from October 1930 to June 1933. In that position he justified Japan's seizure of Manchuria to the Press of the world. No doubt it was dictated to him that he should do so, but it is characteristic of the accused's activities then and thereafter that he was not content to perform whatever might be his duties at the moment. Thus early he was expressing views on matters of policy, views which received consideration in high quarters. He early advocated that Japan should withdraw from the League of Nations. He supported the setting-up of a puppet government in Manchuria. From this period dates his support of the aims of the conspiracy, a support which he continued to afford for many years and by all the means in his power.

He was Minister to Sweden from June 1933 to April 1937. Certain letters of his show his views at this time. In his opinion Russian influence should be expelled from the Far East by force, if necessary, and before she became too strong to be attacked. He was further of opinion that such foreign influences as might be thought to be harmful to Japanese interests should be excluded from China, and that Japanese diplomats should support the policy of the militarists. He showed himself a whole-hearted believer in aggressive war.

Returning to Japan he published articles advocating a totalitarian form of government for Japan and an expansionist policy for Japan, Germany and Italy.

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When the negotiations for an alliance among Japan, Germany and Italy^{had} commenced he was appointed Ambassador to Rome in September 1938. In these negotiations he collaborated with the accused OSHIMA, then Ambassador to Berlin, in support of the conspirators, who insisted on a general military alliance among these countries. He went so far as to refuse to comply with the instructions of the Foreign Minister, who wished a more limited alliance only. He and OSHIMA threatened to resign if the wishes of the conspirators were not met.

When Japan delayed too long and Germany signed a non-aggression pact with the U.S.S.R. the negotiations broke down, for Japanese opinion commonly regarded this as a breach of the Anti-Comintern Pact. SHIRATORI returned to Japan where he carried on propaganda designed to excuse Germany's action and to prepare the way for the general military alliance with Germany and Italy which he still thought necessary to support Japanese expansionist aims. In his propaganda at one time or another he advocated all the objects of the conspirators: that Japan should attack China, that Japan should attack Russia, that Japan should ally herself with Germany and Italy, that she should take determined action against the Western Powers, that she should establish the "New Order", that she should seize the chance offered by the European War to advance to the South, that she should attack Singapore, and so on. This propaganda was continued while he was advisor to the Foreign Office from August 1940 to July 1941.

He became ill in April 1941 and resigned the position of advisor to the Foreign Office in July of that year. Thereafter he plays no important part in events. The Tribunal finds SHIRATORI guilty on Count 1.

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He never occupied such a position as would justify a finding that he waged any war of aggression. The Tribunal finds SHIRATORI not guilty on Counts 27, 29, 31 and 32.

SUZUKI, Teiichi

SUZUKI, Teiichi, is charged in Counts 1, 27, 29, 31, 32, 35, 36, 54 and 55 of the Indictment.

SUZUKI was a soldier. As a Lieutenant Colonel and Member of the Military Affairs Bureau in 1932, he was an active member of the conspiracy. After the assassination of Premier Inukai in May 1932 he said that similar acts of violence would occur if new Cabinets were organized under political leadership and he favored the formation of a coalition government. The object was to secure a government which would support the schemes of the conspirators against China.

During his service with the Bureau he insisted that the U.S.S.R. was the absolute enemy of Japan and assisted in the preparations then being made to wage aggressive war against that Power.

There is no evidence that SUZUKI participated in waging war against the U.S.S.R. at Lake Khassan and there is no evidence that he participated in waging war against the U.S.S.R. or the Mongolian Peoples' Republic at Nomonhan.

In November 1937, SUZUKI became a Major-General. He was one of the organizers and head of the political and administrative division of the Asia Development Board. As such he actively furthered the exploitation of the parts of China occupied by Japan.

When the Second Kono Cabinet was formed to complete the military domination of Japan, and to prosecute the move to the South, SUZUKI became Minister Without Portfolio and one of the Councillors of the Total War Research Institute. Kono replaced HOSHINO by SUZUKI as President of the Planning Board. SUZUKI continued in that position until the fall of the TOJO

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Cabinet on 19 July 1944.

As President of the Planning Board and Minister Without Portfolio, SUZUKI regularly attended the meetings of the Liaison Conference, the virtual policy making body for Japan. SUZUKI was present at most of the important conferences leading to the initiating and waging of aggressive wars against the Allied Powers. At these conferences he actively supported the conspiracy.

There is no evidence that the accused was responsible for the commission of atrocities.

We find SUZUKI guilty as charged in Counts 1, 27, 29, 31, and 32, and not guilty of Counts 35, 36, 54 and 55.

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TOGO, Shigenori

The accused TOGO is indicted under Counts 1, 27, 29, 31, 32, 36, 54 and 55.

TOGO's principal association with the crimes charged against him was as Foreign Minister in the TOJO Cabinet from October 1941 until September 1942 when he resigned and later in the Suzuki Cabinet of 1945 in which he also acted as Foreign Minister. During the interval between his resignation and reappointment he played no part in public life.

From the date of his first appointment until the outbreak of the Pacific War he participated in the planning and preparing for the war. He attended Cabinet meetings and conferences and concurred in all decisions adopted.

As Foreign Minister he played a leading role in the negotiations with the United States immediately preceding the outbreak of the war and lent himself to the plans of the proponents of war. The duplicity employed in these negotiations has been dealt with earlier.

After the outbreak of the Pacific War he collaborated with other members of the Cabinet in its conduct as well as in the waging of the war in China.

In addition to the defence common to all the accused of encirclement and economic strangulation of Japan, which has been dealt with elsewhere, TOGO pleads specially that he joined the TOJO Cabinet on the assurance that every effort would be made to bring the negotiations with the United States to a successful conclusion. He states further that from the date of his taking office he opposed the Army and was successful in

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obtaining from them concessions which enabled him to keep the negotiations alive. However, when the negotiations failed and war became inevitable, rather than resign in protest he continued in office and supported the war. To do anything else he said would have been cowardly. However his later action completely nullifies this plea. In September 1942 he resigned over a dispute in the Cabinet as to the treatment of occupied countries. We are disposed to judge his action and sincerity in the one case by the same considerations as in the other.

There is no proof of any criminal act on TOGO's part as alleged in Count 36. His only part in relation to that count was to sign the post war agreement between the U.S.S.R. and Japan settling the boundary between Manchuria and Outer Mongolia.

War Crimes

Up to his resignation in 1942 TOGO appears to have endeavored to see to the observance of the Rules of War. He passed on such protests as came to him for investigation and in several instances remedial measures were taken. At the time of his resignation atrocities committed by the Japanese troops had not become so notorious as to permit knowledge to be imputed to him.

In the spring of 1945 when he returned as Foreign Minister there was then an accumulation of protests which he passed on to the proper authorities. The Tribunal is of opinion that there is not sufficient proof of TOGO's neglect of duty in connection with war crimes.

The Tribunal finds TOGO guilty on Counts 1, 27, 29, 31, and 32. He is not guilty on Counts 36, 54, and 55.

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TOJO, Hideki

The accused is charged under Counts 1, 27, 29, 31, 32, 33, 36, 54 and 55.

TOJO became Chief-of-Staff of the Kwantung Army in June 1937 and thereafter was associated with the conspirators as a principal in almost all of their activities.

He planned and prepared for an attack on the U.S.S.R.; he recommended a further onset on China in order to free the Japanese Army from anxiety about its rear in the projected attack on the U.S.S.R.: he helped to organize Manchuria as a base for that attack; never at any time thereafter did he abandon the intention to launch such an attack if a favourable chance should occur.

In May 1938 he was recalled from the field to become Vice-Minister of War. In addition to that office he held a great number of appointments so that he played an important part in almost all aspects of the mobilisation of the Japanese people and economy for war. At this time he opposed suggestions for a peace of compromise with China.

He became Minister of War in July 1940 and thereafter his history is largely the history of the successive steps by which the conspirators planned and waged wars of aggression against Japan's neighbours, for he was a principal in the making of the plans and in the waging of the wars. He advocated and furthered the aims of the conspiracy with ability, resolution and persistency.

He became Prime Minister in October 1941 and continued in that office until July 1944.

As War Minister and Premier he consistently supported the policy of conquering the National Government of China,

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of developing the resources of China in Japan's behalf, and of retaining Japanese troops in China to safeguard for Japan the results of the war against China.

In the negotiations which preceded the attacks of 7th December 1941 his resolute attitude was that Japan must secure terms which would preserve for her the fruits of her aggression against China and which would conduce to the establishment of Japan's domination of East Asia and the Southern Areas. All his great influence was thrown into the support of that policy. The importance of the leading part he played in securing the decision to go to war in support of that policy cannot be over-estimated. He bears major responsibility for Japan's criminal attacks on her neighbours.

In this trial he defended all these attacks with hardihood, alleging that they were legitimate measures of self-defense. We have already dealt fully with that plea. It is wholly unfounded.

As to Count 36 there is no evidence that TOJO occupied any official position which would render him responsible for the war in 1939 as charged in Count 36.

The Tribunal finds TOJO guilty on Counts 1, 27, 29, 31, 32 and 33, and not guilty on Count 36.

War Crimes

TOJO was head of the War Ministry which was charged with the care of prisoners of war and of civilian internees in the theatre of war and with the supply of billets, food, medicines and hospital facilities to them. He was head of the Home Ministry which was charged with a similar duty towards civilian internees in Japan. Above all he was head of the Government which was charged with continuing responsibility for the care of prisoners and

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civilian internees.

The barbarous treatment of prisoners and internees was well known to TOJO. He took no adequate steps to punish offenders and to prevent the commission of similar offences in the future. His attitude towards the Bataan Death March gives the key to his conduct towards these captives. He knew in 1942 something of the conditions of that march and that many prisoners had died as a result of these conditions. He did not call for a report on the incident. When in the Philippines in 1943 he made perfunctory inquiries about the march but took no action. No one was punished. His explanation is that the commander of a Japanese Army in the field is given a mission in the performance of which he is not subject to specific orders from Tokyo. Thus the head of the Government of Japan knowingly and wilfully refused to perform the duty which lay upon that Government of enforcing performance of the Laws of War.

To cite another outstanding example, he advised that prisoners of war should be used in the construction of the Burma-Siam Railway, designed for strategic purposes. He made no proper arrangements for billeting and feeding the prisoners, or for caring for those who became sick in that trying climate. He learned of the poor condition of the prisoners employed on the project, and sent an officer to investigate. We know the dreadful conditions that investigator must have found in the many camps along the railway. The only step taken as a result of that investigation was the trial of one company commander for ill-treatment of prisoners. Nothing was done to improve conditions. Deficiency diseases and starvation continued to kill off the prisoners until the end of the project.

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Statistics relative to the high death rate from malnutrition and other causes in prisoners of war camps were discussed at conferences over which TOJO presided. The shocking condition of the prisoners in 1944, when TOJO's Cabinet fell, and the enormous number of prisoners who had died from lack of food and medicines is conclusive proof that TOJO took no proper steps to care for them.

We have referred to the attitude of the Japanese Army towards Chinese prisoners of war. Since the Japanese Government did not recognise the "Incident" as a war, it was argued that the Rules of War did not apply to the fighting and that Chinese captives were not entitled to the status and rights of prisoners of war. TOJO knew and did not disapprove of that shocking attitude.

He bears responsibility for the instruction that prisoners who did not work should not eat. We have no doubt that his repeated insistence on this instruction conduced in large measure to the sick and wounded being driven to work and to the suffering and deaths which resulted.

We have fully referred to the measures which were taken to prevent knowledge of the ill-treatment of prisoners reaching the outside world. TOJO bears responsibility for these measures.

The Tribunal finds TOJO guilty under Count 54. We make no finding under Count 55.

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UMEZU, Yoshihiro

The accused UMEZU is charged under Counts 1, 27, 29, 31, 32, 36, 54, and 55.

UMEZU was an Army officer. While he was in command of Japanese troops in North China from 1934 to 1936 he continued the Japanese aggression in that country against the northern provinces, he set up a pro-Japanese local government, and under threat of force compelled the Chinese to enter into the Ho-UMEZU Agreement of June 1935. This for a time limited the power of legitimate government of China.

UMEZU was Vice-Minister of War from March 1936 to May 1938 while the National Policy Plans of 1936 and the Plan for Important Industries of 1937 were decided upon. These were Army plans and were one of the prime causes of the Pacific War.

In January 1937, when the Imperial Mandate to form a new Cabinet was given to General Ugeki, UMEZU played an important part in the Army's refusal to countenance Ugeki as HIROTA's successor. Because of this opposition Ugeki was unable to form a Cabinet.

When the fighting in China broke out anew in July 1937 at Marco Polo Bridge this accused knew and approved of the plans of the conspirators to carry on the war. UMEZU was a member of the Cabinet Planning Board as well as of many other boards and commissions which largely contributed to the formulation of the aggressive plans of conspirators and to preparations necessary for the execution of these plans.

In December 1937, TOJO, as Chief-of-Staff of the Kwantung Army, sent to UMEZU plans for preparation for

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the attack on the U.S.S.R. and later plans for the strengthening of the Kwantung Army and plans for installations in Inner Mongolia which TOJO stated were of vital importance both in the preparation for war with the U.S.S.R. and in connection with the war with China.

While UMEZU was Commander of the Kwantung Army from 1939 to 1944 he continued the direction of the economy of Manchukuo so as to serve the purposes of Japan; plans were made for the occupation of Soviet territories, and plans were also made for the military administration of the Soviet areas to be occupied and officers were sent to the occupied areas in the south to study the military administration there with a view to using the information thus obtained in the Soviet territories.

The evidence is overwhelming that the accused was a member of the conspiracy.

With reference to Count 36, the fighting at Nomonhan had begun before he took command of the Kwantung Army. He was in command only a very few days before the fighting ceased.

UMEZU served as Chief of the Army General Staff from July 1944 until the Surrender. He thereby played a principle part in the waging of the war against China and the Western Powers.

War Crimes

There is not sufficient evidence that UMEZU was responsible for the commission of atrocities.

The Tribunal finds UMEZU guilty on Counts 1, 27, 29, 31, and 32. He is not guilty on Counts 36, 54, and 55.